

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>SECOND AMENDMENT ARMS, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>No. 10-CV-4257</b>
	)	<b>Judge Robert M. Dow, Jr.</b>
<b>CITY OF CHICAGO, et al.,</b>	)	<b>Magistrate Judge Sheila M. Finnegan</b>
	)	
<b>Defendants.</b>	)	

**DEFENDANTS' UNOPPOSED MOTION FOR AN EXTENSION  
OF TIME TO ANSWER OR OTHERWISE PLEAD**

Defendants City of Chicago (the "City"), Mayor Rahm Emanuel, Superintendent of Police Garry McCarthy, and City Clerk Susana Mendoza (collectively, "Defendants"), by their counsel, Stephen R. Patton, Corporation Counsel of the City of Chicago, hereby respectfully move this Court to extend the time, to and including October 26, 2011, for Defendants to answer or otherwise plead to Plaintiffs' Second Amended Complaint. In support of their motion, Defendants state as follows:

1. By this Court's Order dated August 22, 2011, Plaintiffs were granted until September 7, 2011 to file their Second Amended Complaint, and Defendants have until September 28, 2011 to answer or otherwise plead to the Second Amended Complaint.

2. Due to a filing error, Plaintiffs did not file their Second Amended Complaint until September 9, 2011.

3. Plaintiffs' Second Amended Complaint is thirty-eight (38) pages in length and contains eighteen (18) separate counts. Plaintiffs challenge various provisions of the Responsible Gun Owners' Ordinance (the "Ordinance"), enacted by the City Council on July 2, 2010, under several provisions of the United States Constitution, including Articles I and VI and the Second and

Fourteenth Amendments, as well as various provisions of Titles 15 and 18 of the United States Code. Plaintiffs also bring a federal challenge to the constitutionality of the City's now-repealed ban on the possession of handguns in the City and seek restitution for firearms that were seized by the City under the prior ban. In several other counts, Plaintiffs challenge the Ordinance under various provisions of the Illinois Constitution and ask this Court to enter a declaration of unconstitutionality and to issue a mandamus to the City to issue certain licenses. In still other counts, Plaintiffs bring state-law claims for tortious interference with prospective economic advantage and unjust enrichment. Finally, Plaintiffs bring some of their claims on behalf of not only themselves but also a putative class.

4. Moreover, Plaintiffs have added a new plaintiff – Tony Kole – who was not originally a party to the action.

5. Since Defendants received Plaintiffs' Second Amended Complaint on September 9, 2011, the undersigned counsel has been preparing a motion for summary judgment and other dispositive motions in *Hanna v. City of Chicago*, No. 06 C 19422, currently pending in the Circuit Court of Cook County, in which the plaintiff challenges the constitutional validity of the City's Landmarks Ordinance. Those motions are due to be filed by Thursday, September 22, 2011. Defendants' other counsel have been engaged in various other pressing matters, including out-of-town expert depositions in *Pacholski, et al. v. City of Chicago, et al.*, No. 10-C-4184, currently pending before Judge Edmond E. Chang.

6. Due to the number and breadth of Plaintiffs' claims and the schedule of Defendants' attorneys, Defendants require an extension of time, to and including October 26, 2011, to answer or otherwise plead to Plaintiffs' Second Amended Complaint.

7. This is Defendants' first request for an extension of time to answer or otherwise plead to Plaintiffs' Second Amended Complaint.

8. Defendants' counsel spoke with Plaintiffs' counsel regarding this motion, and Plaintiffs have no objection to the granting of an extension to and including October 26, 2011 to answer or otherwise plead to Plaintiffs' Second Amended Complaint.

**WHEREFORE**, for the foregoing reasons, Defendants respectfully request that the Court grant Defendants an extension of time, to and including October 26, 2011, to answer or otherwise plead to Plaintiffs' Second Amended Complaint and grant Defendants such further relief as this Court deems just and appropriate.

Date: September 20, 2011

Respectfully submitted,

STEPHEN R. PATTON,  
Corporation Counsel for the City of Chicago

By: /s/William Macy Aguiar  
Assistant Corporation Counsel

Michael A. Forti  
Mardell Nereim  
Andrew W. Worseck  
William Macy Aguiar  
Rebecca Alfert Hirsch  
City of Chicago, Department of Law  
Constitutional and Commercial Litigation Division  
30 North LaSalle Street, Suite 1230  
Chicago, Illinois 60602  
(312) 744-9018 / 6975 / 7129 / 4216

Attorneys for Defendants